

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MICHAEL MABEE,

*Plaintiff,*

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,

*Defendant.*

Civil Action No. 19-3448 (ACR)

**MOTION FOR LEAVE TO FILE IN CAMERA DECLARATION**

Defendant, the Federal Energy Regulatory Commission (“FERC” or “the Agency”), by and through undersigned counsel, respectfully moves this Court for leave to file an *in camera* declaration for the purpose of providing context for the records submitted for *in camera* review on January 31, 2024. Plaintiff, through counsel, has stated that he does not consent to the relief requested in this motion. The grounds for this motion are as follows:

Pursuant to the Court’s December 13, 2023, Minute Order and the Parties’ Joint Status Report (ECF No. 52), on January 31, 2024, the Agency submitted ten sample records of the Agency’s application of Exemptions 3 and 7(F), which are the subject of the dispute between the parties. ECF No. 53. In order to assist the Court’s understanding of those records and provide necessary context for how the Exemptions apply to the submitted records, the Agency proposes to submit an *in camera* declaration from its subject matter experts. The declaration would provide additional non-public information relevant to understanding the records and the Agency’s decision-making during the processing of those records.

The Agency proposes to file the declaration, with the Court's permission, in fourteen days, *i.e.*, on February 15, 2024. A proposed order is attached.

Dated: February 1, 2024  
Washington, DC

Respectfully submitted,

MATTHEW M. GRAVES  
D.C. Bar No. #481052  
United States Attorney

BRIAN P. HUDAK  
Chief, Civil Division

By: /s/ Kartik N. Venguswamy  
KARTIK N. VENGUSWAMY  
D.C. Bar No. #983326  
Assistant United States Attorney  
601 D Street, NW  
Washington, D.C. 20530  
kartik.venguswamy@usdoj.gov  
Tel: (202) 252-1790

*Attorneys for the United States of America*

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**[PROPOSED] ORDER**

UPON CONSIDERATION of Defendant's Motion for Leave to File *In Camera*

Declaration, it is hereby

ORDERED that Defendant's motion is GRANTED; and it is further

ORDERED that Defendant shall submit a declaration to this Court for *in camera* review  
no later than February 15, 2024.

SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Judge